

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CHRISTIAN THOMAS,

Petitioner,

v.

SHERIFF JOHN T. WILCHER,

Respondent.

CIVIL ACTION NO.: 4:25-cv-8

ORDER

Before the Court is the Magistrate Judge's January 21, 2025 Report and Recommendation, (doc. 5), to which objections have been filed, (doc. 6). The Magistrate Judge recommended that pro se Petitioner Christian Thomas' 28 U.S.C. § 2241 Petition be dismissed because it appeared from the face of the Petition that Thomas had failed to exhaust available state remedies and his prosecution was pending. (See generally doc. 5.) Thomas' Objection includes a number of documents related to his state prosecution, the relevance of which is not entirely clear, and what appears to be a copy of a state habeas petition, (doc. 6, pp. 39-40). The Objection, however, does not indicate that his state habeas petition has been resolved, assuming that it was ever even filed. (See id., pp. 4-5.) The remainder of the Objection appears to dispute the merits of the underlying state prosecution. (Id., pp. 1-4.) The Objection, therefore, does not dispute the applicable law nor the Magistrate Judge's application of that law. After a careful de novo review, the Court agrees with the Magistrate Judge's recommendation. The Court, therefore, **ADOPTS** the Report and Recommendation, (doc. 5), as its opinion. Petitioner's Petition for Writ of Habeas Corpus is **DISMISSED.** (Doc. 1.)

Applying the Certificate of Appealability (COA) standards, which are set forth in Brown v. United States, 2009 WL 307872 at * 1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue. 28 U.S.C. § 2253(c)(1); see Alexander v. Johnson, 211 F.3d 895, 898 (5th Cir. 2000) (approving *sua sponte* denial of COA before movant filed a notice of appeal). And, as there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Thus, *in forma pauperis* status on appeal is likewise **DENIED**. 28 U.S.C. § 1915(a)(3). The Clerk is DIRECTED to CLOSE this case.

SO ORDERED, this 7th day of March, 2025.



R. STAN BAKER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA